

GEORGIA PESTANA
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MIN KYUNG CHO
Assistant Corporation Counsel
Phone: (212) 356-0872
Email: mcho@law.nyc.gov

January 28, 2022

BY ECF

Honorable Katharine H. Parker
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 750
New York, New York 10007

Re: *Dewayne Richardson v. City of New York, et al.*, 21-CV-5080 (PAE) (KHP)

Dear Magistrate Judge Parker:

I am an Assistant Corporation Counsel in the Office of Georgia Pestana, Corporation Counsel of the City of New York, attorney for Defendant City of New York, New York City Health and Hospitals Corporation (“H+H”), and individual Defendants Carter, Harvey, and Perry, in the above-captioned action, in which Plaintiff alleges claims arising while he was in Department of Correction (“DOC”) custody based on his reaction to and the timing of his COVID-19 vaccinations, the conditions of his confinement, and an alleged use of force. Defendants City, Carter, Harvey, and Perry write to respectfully request that Your Honor (1) extend Defendant City and H+H’s deadline to answer or otherwise respond to the Complaint from February 3, 2022 until February 14, 2022,¹ and (2) adjourn the initial case management conference until a date after Defendants have responded to the Complaint.²

By way of background, on December 13, 2021, the Court granted (ECF No. 23) the City’s request and extended its time to respond to the Complaint until 45 days after this office receives the Plaintiff’s HIPAA release, and adjourned the initial case management conference. The initial case management conference is currently scheduled for February 2, 2022, at 10:30 a.m. See ECF No. 23. Lead counsel Assistant Corporation Counsel (“ACC”) John Passidomo received Plaintiff’s HIPAA release on December 20, 2021, making Defendant City’s answer due February

¹ This Office inadvertently neglected to include H+H in its prior requests, but now respectfully requests that the Court excuse this oversight and extend H+H’s time as well.

² Defendant also requests a corresponding extension of time to file a Proposed Case Management Plan, until one week before the re-scheduled initial pretrial conference.

3, 2022. Further, on December 14, 2021, the DOC returned executed waivers of service for the individual Defendants Guzman, Sanchez, Perry, Carter, Harvey, and Law (ECF No. 24), making the individual Defendants' answer to the Complaint presently due February 14, 2022. The undersigned respectfully requests an extension of the time for Defendants City and H+H to respond to the Complaint until February 14, 2022, to allow this office to serve and file a single response on behalf of all Defendants, and an adjournment of the initial conference until after Defendants have responded to the Complaint and have had sufficient time to confer with Plaintiff's counsel regarding a proposed case management plan.

Since December 2021, this Office has engaged with DOC to arrange representation interviews with the individually-named defendants, obtain conflict waivers from officers where necessary, and gather and review relevant records. Additional time, however, is needed for this office to further investigate Plaintiff's claims, gather and review records, including Plaintiff's and Defendant Sanchez's medical records as well as the officers' disciplinary records, and make representation determinations as to individual Defendants Law, Guzman, and Sanchez pursuant to New York General Municipal Law § 50-k. Further, ACC Passidomo is leaving his employment with the Law Department this week, and Defendants City will require additional time to prepare an appropriate response once a new attorney is substituted to respond to the use of force claims, which are central to the Complaint.

This is Defendant City's third request for an extension of time to respond to the Complaint and an adjournment the initial case management conference. I have spoken with Mr. Thompson, Plaintiff's counsel, and he consents to the proposed request.

Thank you for your time and consideration in this matter.

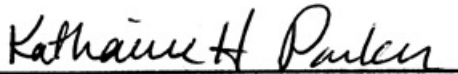
Respectfully,

/s
Min Kyung Cho
Assistant Corporation Counsel

cc: Walter John Thompson
Thompson Law, P.C.
Attorney for Plaintiff
(Via ECF)

Extension of time is granted to respond to the Complaint. A telephonic case management conference is scheduled for Wednesday, March 9, 2022 at 10:00 a.m. Counsel for the parties are directed to call Judge Parker's AT&T conference line at the scheduled time. Please dial (866) 434-5269; access code: 4858267.

APPLICATION GRANTED


Hon. Katharine H. Parker, U.S.M.J.

1/31/2022